



**STATE BAR of TEXAS**

*Annual Report 2008-2009*

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## *From the Executive Director*

June 1, 2009

It is my pleasure to present to the State Bar of Texas Board of Directors the 2008–2009 State Bar of Texas Annual Report.

The State Bar Act, as amended by the Texas Legislature in 2003, requires the State Bar to maintain a comprehensive, long-range strategic plan. Every other year, the State Bar drafts a new plan covering a five-year period. The plan includes measurable goals, as well as performance measures tied to those goals that are based on the results and outcomes of operations and services. The State Bar is committed to keeping the strategic plan at the forefront of its decisions and activities.

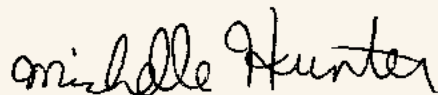
The strategic plan is divided into six areas:

- Service to the Public
- Service to Members
- Protection of the Public
- Access to Justice
- Sound Administration and Resources
- Financial Management

This annual report follows the same structure. In the following pages, you will find brief descriptions of programs and departments of the State Bar along with specific, quantifiable accomplishments from the past year.

As I complete my first year as executive director of the State Bar of Texas, I am grateful for the hard work and dedication of the State Bar's directors, volunteers, and staff. In the face of a challenging economic downturn, they have provided careful stewardship of the State Bar's resources while continuing to provide exceptional programs and services to members and the public.

Sincerely,



Michelle Hunter  
Executive Director





## Background

In 1882, hundreds of judges and lawyers gathered in Galveston to establish the Texas Bar Association, a volunteer organization. Half a century later, seeking to ensure that lawyers maintain the highest ethical standards, the association proposed legislation that would unify the bar and provide more stringent controls over standards of practice. The Texas Legislature passed the State Bar Act in 1939, mandating that all attorneys licensed to practice law in Texas belong to the State Bar of Texas.

The State Bar functions as an administrative agency of Texas' judicial branch. The State Bar receives no state appropriations — it is funded primarily through membership dues and continuing legal education fees — but it is subject to sunset review by the Texas Legislature. The Supreme Court of Texas approves the State Bar budget.

A board of directors made up of lawyers and public members from across the state governs the State Bar. Each year, the State Bar membership elects a lawyer to serve as president. An executive director manages day-to-day operations.

## Mission Statement

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*The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, educate the public about the rule of law, and promote diversity in the administration of justice and the practice of law.*

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# *Service to the Public*

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*The State Bar of Texas serves the public by educating the public on the American system of justice and the role of judges and lawyers in the system; helping lawyers provide the highest quality legal and community service; and working for equitable access and participation in all aspects of the justice system by diverse groups within our society.*

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## LAW-RELATED EDUCATION

The State Bar of Texas Law-Related Education (LRE) Department and its subsidiary, Law Focused Education, Inc., provide resources and services for teachers to educate students about the rule of law and the U.S. Constitution.

Since 1983, the LRE Department has been a leader in civic and law-related education in Texas, specializing in curriculum development for elementary, middle, and high school students. Workshops and institutes are available to educators throughout the year. LRE also sponsors several conferences and programs for teachers. In 2008–2009, LRE trained more than 8,000 teachers in 161 courses, providing more than 850 classroom hours. Its curriculum materials, available online, were accessed and downloaded more than 150,000 times.

Through a partnership with the Hatton W. Sumners Foundation, LRE manages the Hatton W. Sumners Institutes on the Founding Documents, the Law Focused Education website ([www.texaslre.org](http://www.texaslre.org)), a student teacher institute, the Texas Citizen Bee, and the Being an American Institute.

LRE works with national organizations such as the Center for Civic Education on the *We the People* and *Project Citizen* programs. Through the center, LRE has also been involved in the CIVITAS International Civic Exchange program, most recently with Hungary, Romania, and Costa Rica. In 2008–2009, LRE started working with two additional national organizations: the *Play by the Rules National Project* and the *ConSource Project*.



## LAWYER REFERRAL INFORMATION SERVICE

The State Bar of Texas Lawyer Referral Information Service (LRIS) helps Texans to find a lawyer or other referral in counties where there is no local lawyer referral service. LRIS provides Texas lawyers an opportunity to serve their local communities and build their practice. Participating lawyers pay 10 percent of any fees earned of \$500 or more to the State Bar.

In 2008, negotiations between State Bar of Texas leadership and AT&T Publishing led to an agreement regarding advertising terms for certified lawyer referral services in major and non-major metropolitan Yellow Pages directories.

In 2009, the State Bar's Lawyer Referral and Information Services Standing Committee received approval for a policy change requiring all members of LRIS to demonstrate current coverage for and maintain professional liability insurance of a minimum of \$100,000. This policy change, which takes effect January 1, 2010, will protect clients and lawyers from potential financial harm.

LRIS made more than 75,000 referrals over the course of the year. Approximately 50 percent were referred to an attorney; the others were referred to local referral services, legal aid providers, or other community service groups.

## PRESIDENTIAL INITIATIVES

Under the leadership of State Bar President Harper Estes, staff assisted with two major presidential initiatives during 2008–2009: Leadership SBOT, a statewide leadership academy for lawyers, and *Let's Do Justice for Texas*, a public education initiative to help Texans better understand their role in maintaining justice and preserving the rule of law.

Leadership SBOT is a partnership between the State Bar of Texas and the Texas Young Lawyers Association to develop bar leaders in parts of the state not necessarily served by existing leadership academies and to attract participants who have not necessarily been involved in bar work. Organizers sought nominations of Texas lawyers with diverse practice areas and life experiences and tried to match the demographics of the state, not the demographics of the less-diverse legal profession.

Nineteen lawyers were selected for the inaugural class. They met as a group for two leadership retreats and participated in occasional conference calls. Thanks to a generous grant from the Texas Bar Foundation, members of the inaugural



leadership class worked together on a service project to be presented during the 2009 State Bar Annual Meeting in Dallas.

To expand *Let's Do Justice for Texas*, the State Bar:

- Developed and recorded new radio spots, bringing the total number to 11, which are being broadcast in English and Spanish across the state.
- Commissioned the creation of three web videos on the rule of law by artist Jason Polan.
- Created three resource guides to assist lawyers in speaking to classrooms or community groups or by contributing an op-ed to their local paper. The Election Law Toolkit, Rule of Law Toolkit, and Jury Service Toolkit included such information as how to speak to a classroom, talking points, frequently asked questions, a sample speech, a sample op-ed, and online resources. To date, nearly 800 toolkits have been distributed at local bar and TYLA events. An additional 500 have been downloaded from [www.texasbar.com/justicefortexas](http://www.texasbar.com/justicefortexas).
- Conducted the second annual State Bar of Texas YouTube Video Contest. This year's theme was "Lone Star Stories: Ideals That Unite Us." Winners in the under 18 category were brothers Raphael and Alexandre Chaumette of Sugar Land. Gabriel Evans of Dallas won in the over 18 category. Manuel Hernandez, Laura Andrade, Laure Bouyssonnade, and Kimberly Carpenter of El Paso received the People's Choice Award for their entry.

## PUBLIC INFORMATION

The State Bar of Texas Public Information Department serves as a resource to members of the media on issues related to Texas lawyers and helps educate the public about the legal and judicial systems.

The Public Information Department averages about 70 media inquiries per month. Reporters and others average about 500 visits per month to [www.texasbar.com/media](http://www.texasbar.com/media) for access to information designed to help media report on legal issues and locate information about Texas lawyers. More than 50 news releases were issued last year to keep media and the public informed about State Bar news and service to the public.

Public Information produces and distributes to consumers a wide variety of public service pamphlets created by the State Bar of Texas and the Texas Young Lawyers Association. Pamphlets are available for download at [www.texasbar.com/pamphlets](http://www.texasbar.com/pamphlets). The web page averaged more than 2,400 hits per month and hard copy pamphlet distribution averaged more than 6,000 per

month. The department fields more than 200 calls per month from members of the public seeking information and assistance on a wide range of legal and consumer issues that affect Texans in their everyday lives.

Public Information staff work with the State Bar Public Affairs Committee to coordinate the Texas Gavel Awards to recognize journalistic excellence that helps educate the public about the justice system. The committee has partnered with the Freedom of Information Foundation of Texas the past two years to increase the visibility and significance of the awards program.

The Public Affairs Committee also relies on Public Information staff to plan and coordinate an open government forum held in conjunction with the State Bar Annual Meeting. As a public service, the forum is open to the public sector and reporters to help educate them about the Public Information Act and keep them abreast of compliance issues and legislative changes.

#### TEXAS YOUNG LAWYERS ASSOCIATION

The Texas Young Lawyers Association (TYLA) consists of the roughly 25,000 Texas lawyers who are 36 years old or younger or in their first five years of licensure. TYLA aims to facilitate the administration of justice, foster respect for the law, and advance the role of the legal profession in serving the public. Its programs are designed to assist Texas attorneys in their practice of law and to provide public legal education services to Texans.

In 2008–2009, TYLA created three new video projects:

- *Vote America! Honor the Fight, Exercise Your Right*, a 26-minute documentary that educates students about the 15th, 19th, and 26th Amendments to the U.S. Constitution and the struggles associated with the 1965 Voting Rights Act.
- *Healing the Wounds: Navigating the Legal System After Surviving Domestic Abuse*, a video that includes details on what victims of domestic violence can expect when utilizing the courts to obtain a protective order, temporary restraining order, or divorce.
- *TYLA/ProBAR: Know Your Rights*, an informational video produced in conjunction with the Pro Bono Asylum Representation Project for unaccompanied children detained at the South Texas border.

Young lawyers presented *Vote America!* to more than 50,000 students and teachers across the United States. TYLA distributed more than 1,500 copies of *Healing the Wounds* to battered women's shelters, police departments, county and district attorney's offices, and other agencies that assist victims of domestic abuse. The video is available in both English and Spanish.

Also this year, TYLA expanded Ten Minute Mentor, its collection of free online instructional videos, to include videos targeted to law students. Through a partnership with the State Bar Individual Rights and Responsibilities Section, TYLA helped to develop two pamphlets on the constitutional rights of students. Finally, TYLA organized a corporate diversity dinner in San Antonio.





# Service to Members

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*The State Bar of Texas serves its members by providing continuing legal education and other services that promote ethical, efficient, and quality legal services; promote the administration of justice; enhance the public's perception of Texas lawyers; and increase diversity in the legal profession.*

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## ANNUAL MEETING

The State Bar of Texas Annual Meeting is the largest professional gathering of Texas lawyers. Over the course of two days, State Bar members can fulfill most of their minimum continuing legal education requirements for the year while learning from some of the top presenters in the legal community. The conference also provides State Bar Sections a place to conduct their annual meetings.

The 2009 Annual Meeting in Dallas featured a strong speaker lineup, including U.S. Supreme Court Justice Antonin Scalia, Pulitzer Prize-winning historian Doris Kearns Goodwin, *New York Times* columnist David Brooks, Southern Poverty Law Center co-founder Morris Dees, former FBI Director William Sessions, ExxonMobil General Counsel Charles Matthews, and Pepperdine Law School Dean Kenneth Starr. State Bar Sections developed CLE programs specific to their areas of practice and collaborated to provide general programs such as the Legislative Update, Diversity Forum, Work/Life Balance CLE, and Senior Lawyers Program.



## ARCHIVES

The Archives Department preserves and collects historical records of the State Bar of Texas and donations from members of the Texas bench and bar; provides requested research assistance and information to members and the public; develops educational materials interpreting the history of the Texas bench and bar; and coordinates the State Bar's records management program.

In 2008–2009, the Archives department, which staffs the Gov. Bill and Vara Daniel Center for Legal History, continued efforts to convert paper records that are not artifacts into computer-stored electronic files. The conversion will free space in the center's climate-controlled storage facilities for new materials and provide more efficient delivery of information via email. Archives staff also advises other departments in interpreting and advising state rules for records management.

## COMMITTEES

The Committees Department coordinates meetings and maintains rosters, minutes, and correspondence for the standing committees of the State Bar of Texas. The department also provides support to the president-elect during the committee appointment process.

Committees were active in 2008–2009. Highlights include the following:

- The Child Abuse and Neglect Committee completed a Spanish version of its DVD on Shaken Baby Syndrome and is seeking funding to continue free distribution of the DVD.
- The Court Rules Committee undertook a project to compile electronic copies of all local rules promulgated under Texas Rule of Civil Procedure 3a and post the rules to a single web location. The Administration of Rules of Evidence Committee proposed recommendations to the Supreme Court through the Supreme Court Advisory Committee.
- Members of the Texas Disciplinary Rules of Professional Conduct Committee and the Supreme Court Task Force on the TDRPC continued to present to the Supreme Court recommended rules changes in light of the American Bar Association's model rules.
- Members of the Crime Victims Committee made MCLE-accredited presentations to local bars to educate attorneys about the resources available to crime victims. The committee also completed several Ten Minute Mentor videos.
- The Paralegals Committee held Texas Forum XXVI: The Paralegal's Role in Shaping Internal Protocols and Practices – Electronic Data Discovery and ESI Systems in Irving for approximately 140 attorneys, paralegals, educators, judges, students, paralegal managers, office managers, and other professional support.
- The Women in the Profession Committee, with the help of TexasBar-Books and funding from the Texas Bar Foundation, completed and published *Rough Road to Justice: The Story of Women Lawyers in Texas*.
- The Disability Issues Committee continued to assist attorneys in providing sign-language interpretation services via grant monies made possible through the Texas Bar Foundation.

## GOVERNMENTAL RELATIONS

The Governmental Relations Department serves as the State Bar's liaison to the Texas Legislature and other state and federal governmental entities. The department also manages and coordinates the State Bar's legislative program, which consists primarily of proposals drafted by sections of the State Bar.

During the 81st Regular Session, four State Bar sections proposed bills to be included in the State Bar legislative package, along with those proposed by the Board of Directors. Governmental Relations staff worked with State Bar and section leadership to provide information to legislators during the 140-day legislative session. Additionally, Governmental Relations staff reviewed more than 7,000 bills that were filed for their potential impact on the State Bar and the legal profession.

During each legislative session, the Governmental Relations Department compiles and distributes a free, weekly e-newsletter updating its members about proposed legislation. The *Friday Update*, which is available at [www.texasbar.com/fridayupdate](http://www.texasbar.com/fridayupdate), was delivered to more than 5,000 subscribers each week during the legislative session.

In 2008–2009, the Governmental Relations Department continued to provide support to the Court Administration Task Force, which was created in 2007 to study issues relating to the administration of the courts of Texas.

The 50-member task force included lawyers, judges, law professors, legislators, and other stakeholders. The Court Administration Task Force completed its work in the fall of 2008 and its recommendations were presented to and accepted by the State Bar Board of Directors in October 2008.



## LAW PRACTICE MANAGEMENT

The Law Practice Management Program of the Professional Development Division offers assistance to solo and small-firm practitioners in the management of their practices through telephone consultations, interactive web tools, a reference library, newsletter, and CLE programming.

In 2008–2009, Law Practice Management presented online courses and webcasts to 1,095 lawyers, a significant increase over the previous year. Law Practice Management's monthly e-newsletter has been accessed 13,200 since the department began tracking hits in October 2008. The department offered a two-day CLE event in February 2009, which featured traditional panel discussions and presentations by experts on law practice management issues as well as workshops and roundtable discussions on a range of management-related topics.

## LOCAL BAR SERVICES

Local Bar Services fosters and maintains the relationship between the State Bar of Texas and local bar associations. Outreach to local bars helps to fulfill many goals outlined in the State Bar Act, as well as its strategic plan: increasing access to justice, improving the public's knowledge about the justice system, educating members about Bar services, and assisting local bars with public service and operations.

State Bar officers and staff are committed to traveling the state to provide outreach to local, minority, and specialty bar associations through an average of three visits each month. Requests for attorney rosters, project information, sample documents, and general assistance are filled daily by the Local Bar Services Department.

The Local Bar Services Committee, the Access to Justice Commission, and the Texas Young Lawyers Association partnered to hold a successful Bar Leaders Conference in July 2008. President Harper Estes introduced initiatives to be implemented during his bar year. Local leaders interacted with State Bar officers and directors and attendees shared their bar associations' successes and challenges.

The Local Bar Services Committee sponsored Law Day contests, the Stars of Texas Bars Awards, and produced the *Bar Leader*, a newsletter for local bar presidents.

## MEMBERSHIP

The Membership Department collects bar member dues, the attorney occupation tax, and the legal services fee; establishes and maintains attorney records; and maintains attorney profiles. Additional functions include establishing and maintaining records for associate divisions, providing extensive customer service, providing and managing provision of bar cards, providing primary information on attorney practice standing (such as letters of good standing), processing large volumes of mail, and processing mailing label requests.

In 2008–2009, the department reduced the costs of conducting the State Bar election, saving approximately \$23,000 in postage costs. Including voter authorization numbers in blast emails to members made it easier for lawyers to vote online in the State Bar election.



The department increased participation in its law firm dues collection project, adding 25 new firms for a 46 percent increase over the previous year. The firm dues collection process makes it easier for large law firms to pay dues for all of their attorneys.

In an effort to save printing and postage costs, the Membership Department launched a pilot project to offer e-billing as an option for attorneys to receive their annual membership statements instead of by mail. The target group consisted of lawyers who paid their fees online in FY 2009. Approximately 2,000 attorneys signed up for e-billing and agreed to pay their 2009–2010 fees online. This process will save the State Bar approximately \$4,000 in printing, postage, and processing fees.

## MINIMUM CONTINUING LEGAL EDUCATION

Active members of the State Bar must complete a minimum of 15 hours of accredited continuing legal education during each compliance year. At least 10 of the hours must be earned in the form of formal courses or seminars. Five hours can be fulfilled in the form of self-study activities (reading legal periodicals, viewing videos, or listening to audio). At least three hours must be in the area of legal ethics/professional responsibility, one of which may be completed in the form of self-study credit.

In 2008–2009, the MCLE Department processed 21,500 applications and certified 19,700 courses.

More attorneys and sponsors utilized MCLE online services for reviewing and reporting. Use of online accreditation services by sponsors increased 2 percent from the previous year. Online reporting increased 2 percent.

## MINORITY AFFAIRS

The Office of Minority Affairs serves minority and women attorneys and organizations in Texas, enhances employment and economic opportunities for minority and women attorneys in the legal profession, and increases involvement by minorities and women in the State Bar of Texas.

The department works closely with several State Bar committees and sections and organizes several outreach programs, including the Texas Minority Counsel Program and the Texas Minority Attorney Program.

In 2008–2009, Minority Affairs assisted State Bar President Harper Estes and Texas Young Lawyers Association President Sylvia Cardona with the creation of the State Bar’s leadership academy, Leadership SBOT.

## TEXAS BAR BOOKS

TexasBarBooks publishes authoritative, reasonably priced books, practice manuals, and legal forms designed to help Texas lawyers provide informed and efficient service to their clients and to assist Texas judges in promptly and fairly administering justice. The department’s team of attorney editors produces these materials in collaboration with volunteer committees composed of experts in various practice areas. Publications are updated regularly to reflect legislative changes.

In 2008–2009, TexasBarBooks released the 2008 editions of the *Texas Pattern Jury Charges* series. The 2008 editions include new charges on defamation as well as updates to existing charges. TexasBarBooks published a new book, *Rough Road to Justice*. The book, which chronicles the history of women lawyers in Texas, is the result of a project spearheaded by the State Bar Women in the Profession Committee. TexasBarBooks also released new supplements to the *Texas Real Estate Forms Manual* and the *Texas Collections Manual*.

TexasBarBooks coordinated four webcasts based on its publications, with attorney-authors acting as speakers. The webcasts covered topics such as professional ethics, defamation issues, and the foreclosure crisis.

TexasBarBooks was able to assist Texas Lawyers Care by providing free copies of publications such as the *Texas Collections Manual* and the *Texas Foreclosure Manual* to attorneys committed to taking on significant pro bono obligations. Additionally, TexasBarBooks donated 60 copies of the *Texas Family Law Practice Manual* to the Family Law Section for the Family Law Section Essentials Seminar. Discounted publications were offered to attendees of the Poverty Law Conference as well as to attendees of a number of TexasBarCLE seminars.

## TEXASBARCLE

TexasBarCLE provides continuing legal education to Texas lawyers.

In 2008–2009, TexasBarCLE presented 65 course titles (excluding webcast titles), totaling 829 original programming hours. During this same time period,

163 webcasts were produced, covering virtually every practice area. This is an increase from the 124 webcasts produced in 2007–2008. The average webcast garnered 50 paying registrants.

The department has developed a feature that allows course registrants to purchase program materials for live and video events in electronic form on USB drives, in addition to, or in lieu of, hard-copy course materials. Approximately 30 percent of registrants select this option, a percentage that is expected to grow.

In 2009, TexasBarCLE renewed its relationship with Casemaker to bring free online legal research to State Bar members. In addition to having access to a more powerful search engine and enhanced user interface, attorneys now can search the primary law of all 50 states as well as federal law. In upcoming months, lawyers will be able to hyperlink to the full text of opinions from case citations that appear in TexasBarCLE course materials.

## TEXASBAR.COM

The State Bar of Texas website serves as each attorney's one-stop portal to manage account and attorney profile information, access and maintain MCLE records, and access free tools such as legal research, news, and information. A major update to TexasBar.com is in progress, which will make information much easier to find for the site's dual audiences, members and the public.

In 2008–2009, Communications Division staff launched Texas Bar Blog (<http://blog.texasbar.com>) to feature Texas lawyers and legal professionals along with State Bar news. Staff also established a presence on major social media sites such as Facebook and Twitter.

Texas Bar Circle, the first-ever social and professional network by a bar association, approached 10,000 registered users.

TexasBar.com served as a clearinghouse for news and information after Hurricane Ike devastated the Gulf Coast. Website staff coordinated with local bar associations, the judiciary, and statewide leaders to ensure that online information was disseminated as effectively as possible.

An average of 278,043 unique visitors visited TexasBar.com each month, for a total of more than 13 million page views. Each month, attorneys logged in to their "My Bar Page" more than 62,000 times to manage their accounts.

## TEXAS BAR JOURNAL

The *Texas Bar Journal* is the official publication of the State Bar of Texas. In continuous publication since 1938, the magazine serves as a publication of record for the Supreme Court of Texas, a scholarly legal journal, and the association magazine for the State Bar of Texas. Each month, the *Texas Bar Journal* is distributed to approximately 98,000 subscribers — the only publication reaching every lawyer in Texas.

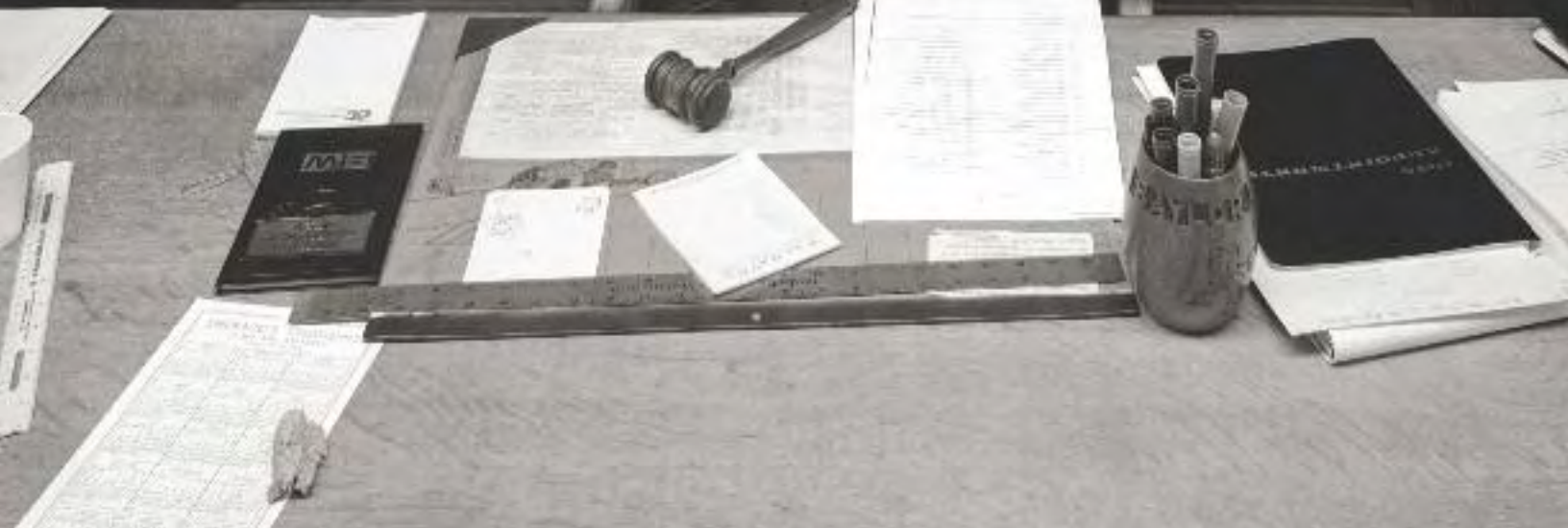
In 2008–2009, the *Texas Bar Journal* Board of Editors, a committee of lawyers from across the state, conducted a readership survey as part of a multiyear review of the publication's contents, mission, and design. The magazine featured special issues on corporate counsel, entertainment and sports law, Lincoln's Legacy, Going Green, and the Future of Civil Litigation. For the first time, the magazine created audio versions of the winning entries in its Short Story Fiction Writing Contest and posted them to TexasBar.com.

## TEXAS LAWYERS' ASSISTANCE PROGRAM

The Texas Lawyers' Assistance Program (TLAP) was created to provide for the identification, peer intervention, and rehabilitation of any Texas attorney or law student whose professional performance is impaired because of substance abuse, dependency, or mental health disorders. Current estimates indicate that anywhere from 10,000 to 15,000 lawyers in Texas suffer from substance use disorders or mental health issues affecting their law practices.

TLAP provides crisis counseling and referrals, peer assistance, and education. It works cooperatively with a variety of entities, including but not limited to the Office of Chief Disciplinary Counsel, Commission on Lawyer Discipline, Board of Law Examiners, Board of Disciplinary Appeals, State Bar Board of Directors, and State Bar staff members.

In 2008–2009, TLAP referred almost 2,000 attorneys to various addiction and mental health recovery resources. In addition to staffing a 24-hour helpline, the TLAP director and program staff make presentations and distribute information to educate law students and attorneys on the signs, symptoms, and consequences of addiction and mental illness, as well as the avenues for recovery.





# Protection of the Public

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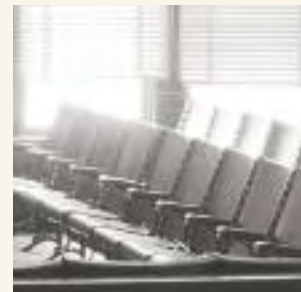
*The State Bar works to protect the public through its powers to regulate the conduct of lawyers and by promoting ethics and professionalism.*

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## ADVERTISING REVIEW

The Advertising Review Department implements the lawyer advertising rules under Part VII of the Texas Disciplinary Rules of Professional Conduct. The rules and the advertising review process are designed to protect the public from false, misleading, or deceptive attorney communications. Staff is responsible for performing the day-to-day activities and general regulatory functions performed by the State Bar Advertising Review Committee.

In 2008–2009, the department reviewed more than 3,400 submissions, an increase of 15 percent over the previous year. The department is also responsible for distributing non-filer notices to attorneys who have not filed an advertisement. The department sent more than 100 notices. The department's ethics presentation focused on smaller bar associations, and, for the first time, was made part of the required Guide to the Basics of Law Practice Course. The committee has been working on implementing a compliance program with one of the leading attorney recognition companies.



## CLIENT-ATTORNEY ASSISTANCE PROGRAM

The Client-Attorney Assistance Program (CAAP) is a statewide dispute resolution program and service of the State Bar of Texas. It is available to the public and Texas lawyers. It assists clients and attorneys in resolving minor problems affecting their relationships. CAAP also supports the attorney discipline process by providing information about the grievance process and grievance forms upon request. The grievance form was revised in January 2007 to provide more specific information regarding the option of resolving issues through CAAP without the need to file a formal grievance.

In addition, CAAP makes referrals to appropriate State Bar departments, local bar associations, and other state and local programs and agencies that can assist those who contact CAAP for assistance.

In 2007–2008, CAAP was contacted 44,000 times regarding questions, primarily about the grievance process, and made referrals to programs that could assist with specific issues or concerns. CAAP opened approximately 1,000 new dispute resolution files without the need for filing a formal grievance. Complaints about communication and neglect concerns continue to be at the forefront of client concerns. Dispute resolution files regarding family, personal injury, and criminal law remain the top legal matters for which dispute resolution is requested.

## OFFICE OF CHIEF DISCIPLINARY COUNSEL

The Texas attorney discipline system is administered by the Office of Chief Disciplinary Counsel (CDC), which is designed to be the “Bar’s law office,” and whose work is overseen by the Commission for Lawyer Discipline. CDC represents the commission in disciplinary litigation. Emphasis is placed on the quality of disciplinary prosecutions, identification of disability or impairment problems, solution to deal with attorneys in need of law practice management or other basic skills, and innovative ways to maintain open communication between the public and the bar.

In 2008–2009, the Commission for Lawyer Discipline and the State Bar of Texas Board of Directors selected Linda Acevedo to serve as Chief Disciplinary Counsel. Acevedo previously served as first assistant, appellate counsel, trial counsel, corporate counsel, counsel to local grievance committees, and liaison to the Supreme Court of Texas Professional Ethics Committee and the Unauthorized Practice of Law Committee.

The Chief Disciplinary Counsel maintains, as a service to the members of the Bar, a toll-free Attorney Ethics Helpline, operated from 8 a.m. to 5 p.m., Monday through Friday. The Helpline is designed to assist Texas attorneys who have questions about their ethical obligations to clients, courts, and the public under the Texas Disciplinary Rules of Professional Conduct. In 2008–2009, the CDC added an additional staff attorney to assist in responding to telephone calls received through the helpline. With two full-time staff attorneys, Texas lawyers are assured a quick response to their inquiries.

The mission of the CDC in protecting the public requires that all staff be cognizant of the role that various impairments play in lawyer misconduct. Several studies have found that lawyers are at increased risk for substance abuse and mental health disorders, and that a disproportionate percent of these lawyers engage in actions or omissions that may give rise to grievances. The Grievance



Referral Program (GRP), administered by CDC staff member Chris Long, who is licensed both as a lawyer and as a mental health professional, works with CDC staff at all levels (from initial intake staff to investigators to counsel) in efforts to identify and proactively address impairment issues. At the close of 2008–2009, GRP had approximately 41 active cases involving the monitoring of respondents for compliance with rehabilitative terms of a disciplinary suspension.

In 2008–2009, as a follow-up to the grievance symposium held the previous year and for continued dialogue with stakeholders to the attorney disciplinary system, the CDC and the Commission invited local grievance committee members, district judges, and respondents' counsel for roundtable discussions about the system at CDC's monthly meetings across the state.





# *Access to Justice*

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*The State Bar of Texas works to ensure access to justice for all.*

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## TEXAS LAWYERS CARE

Texas Lawyers Care is the pro bono/legal services support project of the State Bar of Texas. The department provides support, technical assistance, training, resource materials, and publications to staff and volunteers of providers of legal services to the poor in Texas.

Texas Lawyers Care organizes the annual Poverty Law Conference and Pro Bono Coordinators Retreat. The department works closely with the Legal Services Committee of the State Bar Board of Directors and the State Bar Legal Services to the Poor in Civil Matters Committee.

Texas Lawyers Care and the Texas Access to Justice Foundation continue to provide local bar members and other attorney groups with a one-hour free ethics CLE program, which informs attorneys about civil legal services to the poor in Texas, and the work of both the Texas Access to Justice Commission and the Texas Access to Justice Foundation.

In 2008–2009, the Texas Access to Justice Commission and Texas Lawyers Care experienced changes in leadership. After five years of service, Commission Chair James B. Sales of Houston announced he would step down. Harry Reasoner of Houston will succeed him. The Commission's first executive director, Emily Jones, who previously served as director of Texas Lawyers Care, announced her retirement. She was succeeded by Texas Lawyers Care Director Elma Garcia. Hong Escobar, previously an attorney with Texas Lawyers Care, succeeded Garcia as department director.

In December 2008, the Supreme Court of Texas conducted the third hearing on the status of civil legal services to the poor in Texas since 2001. Legal Services Corporation (LSC) President Helaine Barnett, Texas Access to Justice Commission Chair James Sales, various stakeholders in legal services, self-represented litigants, and clients of legal aid organizations testified before the Court. These representatives helped summarize the current state of affairs in Texas with regard to legal services, projected future needs, and continued gaps in civil legal services. The hearing served to highlight both the accomplishments and the continuing needs in the provision of civil legal services.





# Sound Administration and Resources

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*The activities and services of the State Bar shall be administered at a high level of efficiency and professionalism, in conformance with the best practices observed by Texas state agencies and by bar associations of similar size and scope.*

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## HUMAN RESOURCES

The Human Resources Department is responsible for staff recruitment, compensation and benefits administration, personnel policy and procedure development and administration, employee relations and training, and compliance with federal, state, and local laws and regulations. The department also maintains employee personnel and time records. As of April 15, 2009, there were 268 employees on the State Bar payroll.

An overall compensation study was conducted in 2008–2009 by an outside consultant to review and recommend changes to the compensation and position classification systems. It has been more than 12 years since a compensation study has been conducted. All positions were reviewed and evaluated. All employees participated in the study and submitted a thorough position analysis questionnaire. Division and Department directors were also interviewed to gain a better understanding of the organization, various departments, and individual positions. The salary survey data indicated that approximately 58 percent of the benchmark jobs were below market salaries. The State Bar's salary structure trailed the State of Texas and, in particular, the Attorney General's Office. The consultant worked with the Administration Committee of the State Bar Board of Directors to recommend the implementation of a compensation plan over a three-year period with a total expense of \$275,000. The board approved the plan in January 2009. Almost 70 percent of the total salary adjustments will be for positions within the Chief Disciplinary Counsel's Office. The approved first-year adjustments will be implemented in June 2009.

The Wellness Committee coordinated the second annual Benefits Fair. The fair was organized to educate employees about overall wellness and the organizations and services available to them. The fair took place in March 2009, with 27 vendors participating and approximately 100 employees in attendance. The Wellness Committee also coordinated a series of Brown Bag Luncheons bringing in expert speakers on various health-related topics with average



attendance of 35 employees. The topics included exercise, healthy food choices, meditation, and sleep and health.

## INFORMATION TECHNOLOGY

In 2008–2009, the Information Technology Division was deeply involved in the ongoing reconstruction of the interior of the Texas Law Center. Concurrent with the construction, the IT team oversaw the upgrade of the computer data center, as well as the implementation of new network and cabling infrastructure throughout the project. Audiovisual improvements were designed and implemented for several of the upgraded meeting rooms. The division performed a key role in the timely relocation of technology equipment and staff throughout the facility during the reconstruction period.

One of the most significant achievements during the year was the standardization of the desktop and server infrastructure to a single operating platform. This included final removal of all Novell products and the rollout of exclusively Microsoft-based server products. This included a conversion to an Exchange 2007 email system for the entire staff and all requisite training. Other improvements included the scheduled replacement of desktop computer assets in the law center, installation of desktop inbound/outbound faxing, and new electronic signage for the lobby area to direct visitors to meeting locations and provide general announcements.

In the area of new computer applications, the division expanded the use of document imaging systems, implemented new meeting room management software and workflow management software, and has provided support to the website department as it develops a new look and feel for the State Bar website. The IT Division also helped to develop a pilot project for the electronic billing of State Bar dues and related fees. The division has also initiated a new project to provide additional online services for the Lawyer Referral department.

Finally, the division obtained board approval for an updated Business Technology Plan, which anticipates the update and replacement of several key systems over the next three years. These include such projects as new systems for the Chief Disciplinary Counsel and the Unauthorized Practice of Law Committee; upgraded disaster recovery services; website enhancements; improved security and monitoring systems; and replacement of other key systems and services.

## RESEARCH AND ANALYSIS

The Research and Analysis Department provides research for State Bar departments, committees, and the State Bar Board of Directors.

In 2008–2009, Research and Analysis prepared statistical profiles for Sections and local bars, conducted surveys, and provided support for projects related to the State Bar. Research and Analysis also oversees the operation of the Member Benefits program for Texas lawyers.

## TEXAS LAW CENTER RENOVATION

The State Bar Administration Division and its Purchasing and Facilities Department have been coordinating a \$10-million, multiyear renovation of the Texas Law Center to install safety measures, make infrastructural repairs, maximize space efficiency, and implement a utility savings program.

In 2007–2008, staff oversaw replacement of the roof and installation of a new cooling tower and condenser pumps; restoration of the Jaworski Plaza and Fountain; replacement of the building's elevators; conversion of the second floor into a staging area; creation of two conference rooms on the first floor; remodeling of floor P1 (including the creation of the Gov. Bill and Vara Daniel Conference Room); and renovation of the historic Stewart-Morris Board Room and updating its technological capabilities. In 2008–2009, floors 2 through 6 of the Texas Law Center were completely remodeled. The remodel included installation of occupant sensor lighting, low-emissivity coated windows and an energy-efficient HVAC system. The occupant capacity in the building was increased by 30 percent from 185 to 264 due to improved space efficiencies from implementing work station and office standards. This has allowed the Chief Disciplinary Counsel office in Austin to move to the Texas Law Center and avoid paying rent of \$200,000 annually.

To facilitate the moving of employees from floor to floor as the building was renovated, a Move Team was created. Throughout the renovation project, the Move Team met with departments to prepare them for each move, coordinated the logistics of packing and labeling, provided support, and apprised staff of changes to the move schedule. The Move Team consisted of Ann Foster (Texas Lawyers' Assistance Program), Brenda Whiteaker (Information Technology), Michael DeLeon (Purchasing and Facilities), Paul Rogers (Purchasing and Facilities), and Rachel Madorsky (Texas Lawyers' Assistance Program).

The Texas Law Center was dedicated in 1976, but has since received minimal infrastructural investment. To ensure the renovated building remains well cared for, staff provided support to the State Bar Board of Directors Administration Committee and its Facilities and Equipment Subcommittee as they developed a preventive maintenance program and capital equipment replacement plan.





# Financial Management

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*The State Bar of Texas shall conduct its fiscal affairs in conformance with the best management practices observed by Texas state agencies and by bar associations of similar size and scope.*

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## FINANCE DIVISION

The Finance Division of the State Bar of Texas consists of budgeting and financial reporting for the General Fund, Book Fund, Client Security Fund, 11 special revenue funds, and 45 Sections; accounts receivable and collections; accounts payable; sales order processing; and payroll.

Maxwell, Locke & Ritter, L.L.P., performed the State Bar's financial audit for fiscal year 2007–2008. The State Bar received an unqualified opinion, the best financial audit opinion given. The State Bar Board of Directors accepted the financial audit report at its quarterly board meeting in January 2009.

Padgett, Stratemann & Co., L.L.P., performed the State Bar's internal audit for fiscal year 2007–2008. Various departments of the State Bar are selected for internal audit every year on a rotating basis. Seven departments were selected for internal audit, all of which the internal auditors determined to be in compliance with Texas statutes and State Bar policies and procedures. The board accepted the internal audit report at its January 2009 meeting.

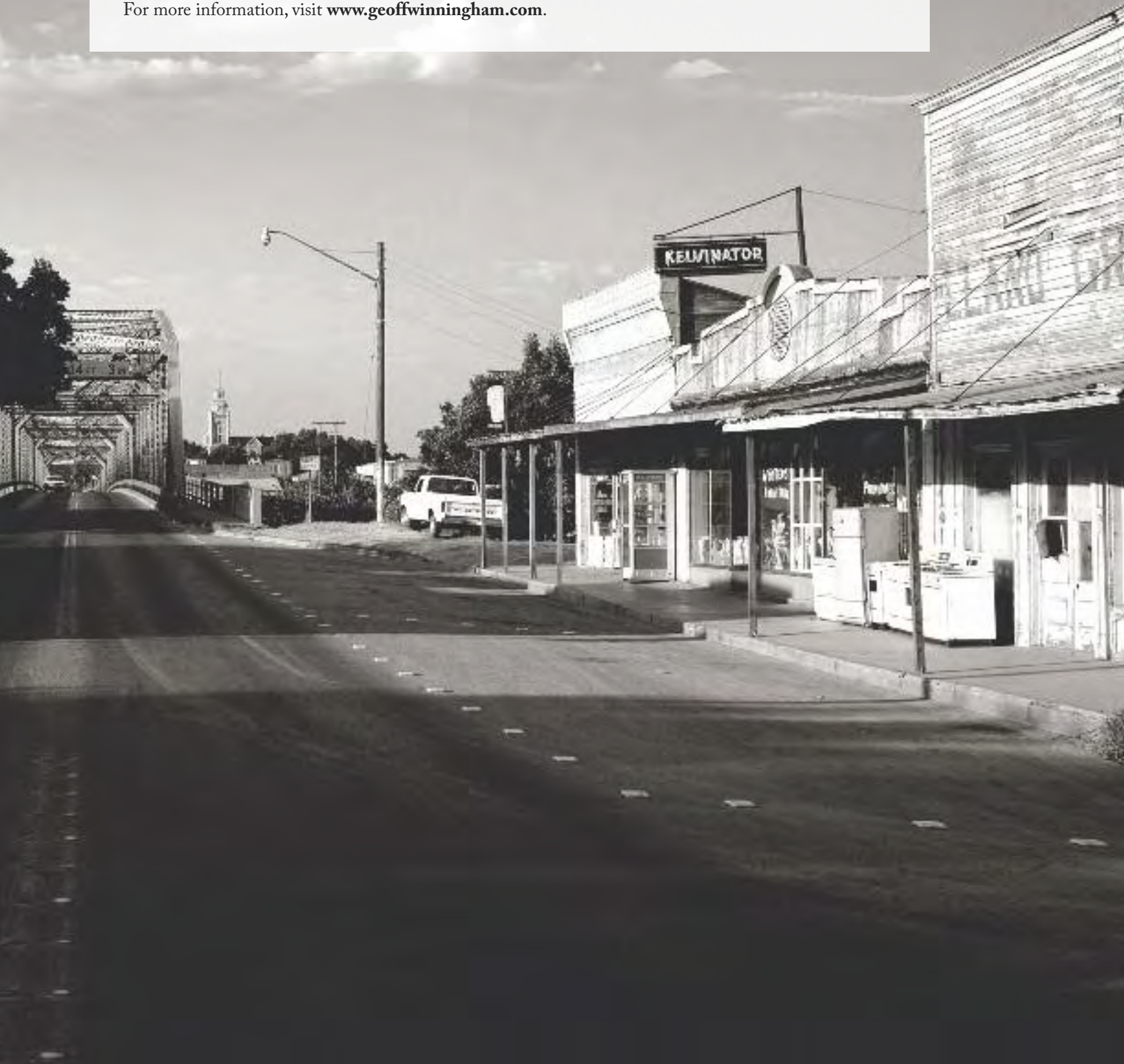
The Accounts Payable Department generates a large volume of paper documents that are maintained in filing cabinets within the division and in an off-site storage facility. The Finance Division is developing a procedure to scan all accounts payable materials and use electronic filing to maintain these records. The Finance Division's long-range goal is to have all materials currently produced in paper format converted to electronic storage.

As the result of sound financial management, the State Bar was able to implement its real estate strategic plan with no debt or capital campaign, contribute additional resources to the Client Security Fund, and set aside \$5.8 million in reserves, an amount sufficient to cover approximately two months of expenditures.



## *About the Photographs*

In 1975, Houston photographer Geoff Winningham was commissioned to photograph 18 Texas courthouses for a book on American courthouses funded by the Seagram Co. in celebration of the nation's bicentennial. The book that resulted from the project, *Courthouse*, published by Horizon Press in 1976, is now considered a classic architectural study. Winningham has continued to photograph courthouses across Texas. Among the courthouses featured in this annual report are those for Cherokee, Colorado, Ellis, Gonzales, Grimes, Hopkins, Lavaca, Liberty, Llano, Shelby, and Wise Counties. For more information, visit [www.geoffwinningham.com](http://www.geoffwinningham.com).



# PRESIDENTS AND CHAIRS OF THE BOARD OF DIRECTORS

## PRESIDENTS

Angus G. Wynne, <i>Dallas</i>	1939-40	Bill Whitehurst, <i>Austin</i>	1986-87	W.O. Shafer, <i>Odessa</i>	1962-63
Few Brewster, <i>Temple</i>	1940-41	Joe Nagy, <i>Lubbock</i>	1987-88	Ralph W. Brite, <i>San Antonio</i>	1963-64
Gordon Simpson, <i>Tyler</i>	1941-42	James B. Sales, <i>Houston</i>	1988-89	J.L. Shook, <i>Dallas</i>	1964-65
Claude E. Carter, <i>Harlingen</i>	1942-43	Darrell Jordan, <i>Dallas</i>	1989-90	R.E. Schneider, Jr., <i>George West</i>	1965-66
Major T. Bell, <i>Beaumont</i>	1943-44	James N. Parsons III, <i>Palestine</i>	1990-91	Howard G. Barker, <i>Fort Worth</i>	1966-67
Joseph B. Dooley, <i>Amarillo</i>	1944-45	Charles R. "Bob" Dunn, <i>Houston</i>	1991-92	Fred T. Porter, <i>Dallas</i>	1967-68
John H. Bickett, Jr., <i>Dallas</i>	1945-46	Harriet Miers, <i>Dallas</i>	1992-93	Morris Harrell, <i>Dallas</i>	1968-69
James L. Shepherd, Jr., <i>Houston</i>	1946-47	Lonny D. Morrison, <i>Wichita Falls</i>	1993-94	Curtiss Brown, <i>Houston</i>	1969-70
H. Grady Chandler, <i>Austin</i>	1947-48	James L. Branton, <i>San Antonio</i>	1994-95	Jim D. Bowmer, <i>Temple</i>	1970-71
Robert G. Storey, <i>Dallas</i>	1948-49	David J. Beck, <i>Houston</i>	1995-96	Lucius D. Bunton, <i>Midland</i>	1971-72
Allen Crowley, <i>Fort Worth</i>	1949-50	M. Colleen McHugh, <i>Corpus Christi</i>	1996-97	Mark Martin, <i>Dallas</i>	1972-73
Albert P. Jones, <i>Houston</i>	1950-51	W. Frank Newton, <i>Lubbock</i>	1997-98	John M. Lawrence III, <i>Bryan</i>	1973-74
Cecil E. Burney, <i>Corpus Christi</i>	1951-52	Richard Pena, <i>Austin</i>	1998-99	Emil C. Rassman, <i>Rockport</i>	1974-75
J. Glenn Turner, <i>Dallas</i>	1952-53	Charles F. Aycock, <i>Farwell</i>	1999-00	Donn C. Fullenweider, <i>Houston</i>	1975-76
Everett L. Looney, <i>Austin</i>	1953-54	Lynne Liberato, <i>Houston</i>	2000-01	William B. Hilgers, <i>Austin</i>	1976-77
R.N. Gresham, <i>San Antonio</i>	1954-55	Broadus A. Spivey, <i>Austin</i>	2001-02	Louis J. Weber, Jr., <i>Dallas</i>	1977-78
Maurice R. Bullock, <i>Fort Stockton</i>	1955-56	Guy N. Harrison, <i>Longview</i>	2002-03	Kleber C. Miller, <i>Fort Worth</i>	1978-79
Newton Gresham, <i>Houston</i>	1956-57	Elizabeth D. Whitaker, <i>Dallas</i>	2003-04	Joe B. Cannon, <i>Groesbeck</i>	1979-80
Virgil T. Seaberry, <i>Eastland</i>	1957-58	Kelly Frels, <i>Houston</i>	2004-05	Charles L. Smith, <i>San Antonio</i>	1980-81
Leo Brewster, <i>Fort Worth</i>	1958-59	Eduardo R. Rodriguez, <i>Brownsville</i>	2005-06	Joel P. Kay, <i>Houston</i>	1981-82
A.J. Folley, <i>Amarillo</i>	1959-60	Martha S. Dickie, <i>Austin</i>	2006-07	Bryan F. Russ, <i>Hearne</i>	1982-83
Paul Carrington, <i>Dallas</i>	1960-61	Gib Walton, <i>Houston</i>	2007-08	Oliver S. Heard, Jr., <i>San Antonio</i>	1983-84
William L. Kerr, <i>Midland</i>	1961-62			David F. Chappell, <i>Fort Worth</i>	1984-85
Leon Jaworski, <i>Houston</i>	1962-63			James B. Sales, <i>Houston</i>	1985-86
Buster Cole, <i>Bonham</i>	1963-64			Jerry Lastelick, <i>Dallas</i>	1986-87
Joyce Cox, <i>Houston</i>	1964-65			D. Hull Youngblood, Jr., <i>San Antonio</i>	1987-88
Clint C. Small, Jr., <i>Austin</i>	1965-66			James B. Barlow, <i>Fort Worth</i>	1988-89
W.O. Shafer, <i>Odessa</i>	1966-67			Willis E. Gresham, Jr., <i>Lamesa</i>	1989-90
Thomas M. Phillips, <i>Houston</i>	1967-68			Richard C. Hile, <i>Jasper</i>	1990-91
Ralph W. Brite, <i>San Antonio</i>	1968-69			Tom Cunningham, <i>Houston</i>	1991-92
Josiah Wheat, <i>Woodville</i>	1969-70			M. Colleen McHugh, <i>Corpus Christi</i>	1992-93
Morris Harrell, <i>Dallas</i>	1970-71			Pearson Grimes, <i>Houston</i>	1993-94
James C. Watson, <i>Corpus Christi</i>	1971-72			Michael J. Crowley, <i>Austin</i>	1994-95
Jim D. Bowmer, <i>Temple</i>	1972-73			Otway B. Denny, Jr., <i>Houston</i>	1995-96
Leroy Jeffers, <i>Houston</i>	1973-74			Lynne Liberato, <i>Houston</i>	1996-97
Lloyd Lochridge, <i>Austin</i>	1974-75			Guy N. Harrison, <i>Longview</i>	1997-98
John M. Lawrence III, <i>Bryan</i>	1975-76			Elizabeth D. Whitaker, <i>Dallas</i>	1998-99
Gibson Gayle, Jr., <i>Houston</i>	1976-77			David E. Keltner, <i>Fort Worth</i>	1999-00
Travis D. Shelton, <i>Lubbock</i>	1977-78			Richard T. Miller, <i>San Saba</i>	2000-01
Cullen Smith, <i>Waco</i>	1978-79			Vidal G. Martinez, <i>Houston</i>	2001-02
J. Chrys Dougherty, <i>Austin</i>	1979-80			Charles W. Schwartz, <i>Houston</i>	2002-03
Franklin Jones, Jr., <i>Marshall</i>	1980-81			Kim J. Askew, <i>Dallas</i>	2003-04
Wayne Fisher, <i>Houston</i>	1981-82			William D. Elliott, <i>Dallas</i>	2004-05
Orrin W. Johnson, <i>Harlingen</i>	1982-83			Tom Godbold, <i>Houston</i>	2005-06
Blake Tartt, <i>Houston</i>	1983-84			Robert A. Black, <i>Beaumont</i>	2006-07
Tom B. Ramey, Jr., <i>Tyler</i>	1984-85			Travis E. Vanderpool, <i>Dallas</i>	2007-08
Charles L. Smith, <i>San Antonio</i>	1985-86				

## CHAIRS OF THE BOARD

J. Cleo Thompson, <i>Dallas</i>	1939-40
Gordon Simpson, <i>Dallas</i>	1940-41
William Jarrel Smith, <i>Pampa</i>	1941-42
C.C. Renfro, <i>Dallas</i>	1942-43
G.W. Parker, Jr., <i>Fort Worth</i>	1943-44
John A. Rawlins, <i>Dallas</i>	1944-45
Murray G. Smyth, <i>Houston</i>	1945-46
H. Grady Chandler, <i>Austin</i>	1946-47
Allen Clark, <i>Greenville</i>	1947-48
Austin C. Hatchell, <i>Longview</i>	1948-49
W.P. Abernathy, <i>McKinney</i>	1949-50
C.A. Williams, <i>Childress</i>	1950-51
Traylor Russell, <i>Mt. Pleasant</i>	1951-52
Wilford W. Naman, <i>Waco</i>	1952-53
Vernon B. Hill, <i>Mission</i>	1953-54
Virgil T. Seaberry, <i>Eastland</i>	1954-55
Leo Brewster, <i>Fort Worth</i>	1955-56
Frank D. Stubbsman, <i>Midland</i>	1956-57
F.W. Hustmyre, <i>Orange</i>	1957-58
Buster Cole, <i>Bonham</i>	1958-59
Homer E. Dean, Jr., <i>Alice</i>	1959-60
W. Pat Camp, <i>San Antonio</i>	1960-61
W.C. Haley, <i>Waco</i>	1961-62

## *The Lawyer's Oath*

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On my oath I will support  
the constitutions of the United States  
and of this state  
and will honestly demean myself  
in the practice of law  
and will discharge my duty  
to my client to the best of my ability.

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